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Before the  
JUN 23 2000 **FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
	)	
Deployment of Wireline Services Offering	)	CC Docket No. <u>98-147</u>
Advanced Telecommunications Capability	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications	)	
Act of 1996	)	
	)	
Applications for Consent to the Transfer	)	CC Docket No. 98-141
of Control of Licenses and Section 214	)	
Authorization from Ameritech Corporation	)	
Transfer to SBC Communications Inc., Transferee	)	
	)	
Common Carrier Bureau and Office of Engineering	)	NSD-L-00-48
and Technology Announce Public Forum on	)	
Competitive Access to Next-Generation	)	
Remote Terminals	)	

**COMMENTS  
OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association ("USTA") files these comments in response to the Commission's Public Notice<sup>1</sup> regarding the Petition for Declaratory Ruling filed by the Association for Local Telecommunications Services ("ALTS").

What ALTS has in actuality filed is an *ex parte* pleading which the Commission has, unfortunately, requested public comment. The Commission's regulations are clear and no further clarification, declaration or rulemaking proposed by ALTS is warranted or

<sup>1</sup> Public Notice DA 00-1141, released May 24, 2000.

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necessary. In addition, the Commission has established procedures whereby individual CLECs may seek remedies against ILECs for any failure to comply with existing Commission regulations. Moreover, proceedings on UNEs, line-sharing, SBC's Project Pronto remote terminal deployment, network design, xDSL and broadband issues before the Commission and the courts are pending resolution. Any further action by the Commission granting the relief sought by ALTS in its Petition will simply render Commission proceedings a nullity, and otherwise create confusion regarding pending litigation. USTA urges the Commission's to deny the requested relief sought by ALTS.

ALTS argues that the Commission must issue a declaratory ruling regarding ILEC loop provisioning because it alleges that "many CLECs experience continued delay and frustration in obtaining UNE loops."<sup>2</sup> If true, individual CLECs may pursue a number of remedies. Through separate merger agreements with the Commission, SBC and Bell Atlantic are subject to significant financial penalties should they fail to meet specific obligations to provide access to UNE loops. CLECs may also bring complaints against any ILEC to the Commission and have the complaint processed through the Commission's "rocket docket" complaint process. In addition, proceedings before state commissions under Section 252 of the 1996 Act provide CLECs with an opportunity to negotiate the terms and conditions for interconnection and access to UNEs with a further opportunity to challenge state commission rulings in federal district court as mandated by Section 252(e)(6) of the 1996 Act.

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<sup>2</sup> ALTS Petition at 1.

Contrary to the ALTS Petition, there is simply no controversy to terminate or uncertainty to remove.<sup>3</sup> In comments recently filed in another Commission proceeding, USTA stated: “It is time for the Commission to require competitive carriers to comply with existing regulations, and not abuse the Commission’s regulatory process to subvert prior Commission orders and regulations. Similarly, it is time for the Commission to require every competitive carrier who seeks redress from the Commission to provide evidence that they have first exhausted their state commission remedies and federal court review of any state commission decision prior to filing claims for relief with the Commission. Otherwise, filings such as that made by Sprint PCS, undermine the requirements of the 1996 Act, Commission regulations, and the due process rights of ILECs.”<sup>4</sup> The ALTS Petition fails to establish any basis for Commission action. Like other predatory requests for Commission action, the ALTS Petition is nothing more than a malignant effort to abuse the Commission’s regulatory process in an effort to impose additional regulatory burdens on ILECs.

The Commission should declare a moratorium on issuing public notices requesting comment on filings such as that made by ALTS. USTA urges the Commission to reject such filings when issues are pending resolution, when an individual CLEC has not filed a complaint against an ILEC in which specific evidence of rules violations is provided, or when the petitioning CLEC fails to file timely pleadings consistent with Commission regulations. Absent such requirements, the ALTS Petition and similar filings abuse the Commission’s regulatory process, are administratively

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<sup>3</sup> 47 C.F.R. §1.2.

<sup>4</sup> USTA Reply Comments at 6-7 (June 13, 2000), *Reciprocal Compensation for CMRS Providers*, CC Docket Nos. 96-98, 95-185, WT 97-207.

burdensome, costly to address, create confusion, and simply renew battles over issues previously resolved or pending before the Commission and the courts.

Respectfully submitted,

**UNITED STATES TELECOM ASSOCIATION**

June 23, 2000

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### **CERTIFICATE OF SERVICE**

I, Gail Talmadge, do hereby certify that on June 23, 2000 a copy of *Comments of the United States Telecom Association* in CC Docket Nos. 98-147, 96-98, 98-141, and NSD-L-00-48, was either hand-delivered or deposited in the U.S. Mail, first-class, postage prepaid, to the persons on the attached service list.

  
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